

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONNECTU LLC

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ, ANDREW
MCCOLLUM, CHRISTOPHER HUGHES, and
THEFACEBOOK, INC.,

Defendants.

MARK ZUCKERBERG, and
THEFACEBOOK, INC.,
Counterclaimants,

v.

CONNECTU LLC,
Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,
Additional Defendants on Counterclaims.

Civil Action No. 1:04-CV-11923 (DPW)

District Judge Douglas P. Woodlock

**AFFIDAVIT OF JOSHUA H. WALKER IN SUPPORT OF FACEBOOK DEFENDANTS'
OPPOSITION TO CONNECTU LLC'S MOTION TO COMPEL THE PRODUCTION
OF DOCUMENTS IN RESPONSE TO PRODUCTION REQUEST NOS. 42, 44-46, 70-71,
85-96, 98-105, 107-110, 113 AND 169**

I, Joshua H. Walker, declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, Inc. (collectively, the "Facebook Defendants"). I make this Declaration in support of Facebook Defendants' Opposition to ConnectU LLC's Motion to Compel the Production of Documents in Response to Production Request Nos. 42, 44-46, 70-71, 85-96, 98-105, 107-110, 113 and 169. I am an active member in good standing of the Bar of the State of California, and am admitted to appear *pro hac vice* before this court. I have personal knowledge of the facts stated therein and if called as a witness, could and would competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Joshua H. Walker to Troy E. Grabow, dated August 25, 2005.

3. Attached hereto as **Exhibit B** is a true and correct copy of Defendants' Amended Notice of Deposition of Plaintiff and Counterdefendant ConnectU LLC Pursuant to Fed. R. CIV. P. 30(b)(6).

4. Attached hereto as **Exhibit C** is a true and correct copy of a letter from Monte M.F. Cooper to John F. Hornick, dated August 19, 2005.

5. Attached hereto as **Exhibit D** is a true and correct copy of a letter from Robert Hawk and Monte M.F. Cooper to John F. Hornick, dated September 12, 2005.

6. Attached hereto as **Exhibit E** is a true and correct copy of pages 1, 5-11 and 31 to Plaintiff and Counterclaim Defendant ConnectU LLC's Responses to Defendant and Counterclaimant TheFacebook, Inc.'s First Set of Interrogatories (Nos. 1-17), dated August 22, 2005.

[FILED SEPARATELY UNDER SEAL WITH THE CLERK OF THE COURT]

7. Attached hereto as **Exhibit F** is a true and correct copy of Objections to Amended Notice of Deposition of Plaintiff and Counterclaim Defendant ConnectU LLC Pursuant to Fed.R.Civ.P. 30(b)(6), dated August 3, 2005.

8. Attached hereto as **Exhibit G** is a true and correct copy of a letter from Joshua H. Walker to John F. Hornick, dated August 3, 2005.

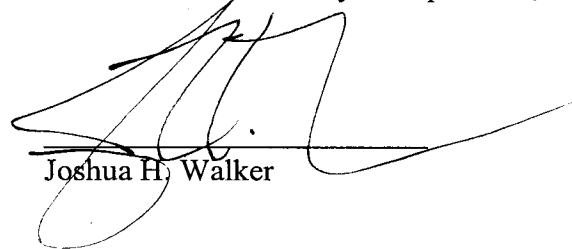
9. Attached hereto as **Exhibit H** is a true and correct copy of a letter from Monte M.F. Cooper to John F. Hornick, dated August 22, 2005.

10. Attached hereto as **Exhibit I** is a true and correct copy of Chapter 4 of the 2003-2004 Harvard Administrative Board Student Handbook, available at <http://www.registrar.fas.harvard.edu/handbooks/student.2003-2004/chapter4/adboard.html>

11. Attached hereto as **Exhibit J** is a true and correct current screenshot of the Frequently Asked Questions on thefacebook website available at: www.thefacebook.com/faq/php

12. Attached hereto as **Exhibit K** is a true and correct current screenshot of the privacy policy of thefacebook website, effective as of June 28, 2005 available at: <http://www.facebook.com/policy.php>

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Affidavit is executed on this 23rd day of September, 2005, at Menlo Park, California.

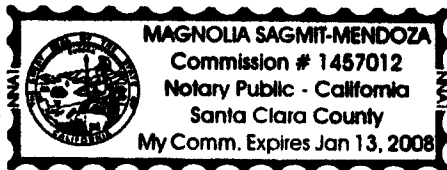


Joshua H. Walker

State of California

County of San Mateo

Subscribed and sworn to (or affirmed) before me on this 23rd day of September, 2005 by
JOSHUA H. WALKER, personally known to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



Magnolia Sagmit-Mendoza, Notary

Attachment to Affidavit Of Joshua H. Walker In Support Of Facebook Defendants' Opposition
To Connectu Llc's Motion To Compel The Production Of Documents In Response To
Production Request Nos. 42, 44-46, 70-71, 85-96, 98-105, 107-110, 113 And 169